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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,613	06/12/2002	Josephus Johannes Maria Braat	2001-1020	9158

466 7590 08/11/2003

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EXAMINER

BEN, LOHA

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/070,613

Applicant(s)

BRAAT ET AL

Examiner

LOHA BEN

Art Unit

2873



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Jun 12, 2002

2b) ☒ This action is non-final.

2a) ☐ This action is FINAL.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-14

is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_

is/are withdrawn from consideration.

5) ☒ Claim(s) 1-3, 5-8, and 10-14

is/are allowed.

6) ☒ Claim(s) 4 and 9

is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_

is/are objected to.

8) ☐ Claims \_\_\_\_\_

are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on Jun 12, 2002 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_

Loha Ben  
Primary Examiner

Part of Paper No. 7

Office Action Summary

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### DETAILED ACTION

The preliminary amendment dated March 8, 2002 has been partially entered -- only the claims have been entered. The reason for non-entry of the disclosure to replace the present pages 1-5 with pages 1-5a is given below:

( 1 ) In practice, the subject matter claimed in any claim is based on the disclosure, not the other way around. Such a subject matter that the disclosure depends on a claim is found on page 1, line 5, and on page 2, lines 8-10 of the preliminary amendment.

( 2 ) The disclosure on page 3, lines 4-24, is, in its amended form, confusing in that the **multiple** pairs ( see line 4 ) is not clearly seen as composing of **first element pair** and **plurality of further pairs**. Further, the first element pair and the plurality of further pairs have not been previously mentioned; however, the disclosure on lines 9-22 of page 3 of the preliminary amendment is presented as if they have been previously disclosed.

(3) Finally, the equations that appear on the top of page 5 stand isolated without connection to any disclosure.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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2. Claims 4, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 4 recites the limitation "the first element pair" in line 4. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 9 recites the limitation "the first pair" in lines 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

### ***Minor Suggestion***

#### **In the Claims**

In claim 1: line 11 of page 1, "the" should be replaced with -- a --.

In claim 10: line 18 of page 4, "the"(first occurrence) should be replaced with -- a --.

In claim 14: line 1, after "to", "claim 14" should be replaced with -- claim 13 --.

#### **In the Specification**

Page 8: line 2, after " $x_2$ ", -- . --(period) should be inserted; and line 7, after " $\lambda$ ", -- . --(period) should be inserted. In a similar manner, a period should be given after each of formulas (9), (11), (14)-(16), (18), (20), (22), (23), and (25). For formula (25) particularly, the period should be given right after the last equation.

### ***Allowable Subject Matter***

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Claims 4 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 1-3, 5-8, and 10-14 are allowable. The allowable subject matter centers on the limitations as recited in last 14 lines of claim 1 and in last 19 lines of claim 10, which involve series of specific formulated expressions characterizing a device which introduces a predetermined phase shift between first and second optical beams.

*Communication*

Any inquiry concerning this communication should be directed to Loha ben at telephone number (703)308-4820.

The examiner's work schedule is from Monday to Saturday, and generally between 12:00 noon and 8:00 p.m.

A receptionist can be reached at (703)308-0956 concerning matter of a general nature.

August 5, 2003

  
**Loha Ben**  
**Primary Examiner**